

Washington State Sex Offenses Statutes of Limitation

Sex offenses under RCW 9.94A.030(46) and their corresponding statute of limitations?¹

The following is a list of "sex offenses" included by definition in RCW 9.94A.030(46)			
RCW 9.94A.030(46)(a) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(1)2.			
Name and description ² of offense	RCW	Felony Class	Statute of Limitations (9A.04.080)
1st Degree Rape <ul style="list-style-type: none"> Sexual Intercourse by Forcible Compulsion. Uses deadly weapon, inflicts injury. 	9A.44.040	A	<ul style="list-style-type: none"> If the rape is reported within one year -10 years. If the rape is reported within one year and victim is under 14, it may be prosecuted up to 3 years after the victim's 18th birthday or up to 10 years after the offense, whichever is later. If the rape is <u>not</u> reported within one year - 3 years. If the rape is <u>not</u> reported within one year, and the victim is under 14 it may be prosecuted up to 3 years after the victim's 18th birthday or up to 7 years after the offense, whichever is later.
2nd Degree Rape <ul style="list-style-type: none"> Forcible compulsion, victim is DD, or incapacitated, has supervisory authority over victim, etc. 	9A.44.050	A	<ul style="list-style-type: none"> If the rape is reported within one year -10 years. If the rape is reported within one year and victim is under 14, it may be prosecuted up to 3 years after the victim's 18th birthday or up to 10 years after the offense, whichever is later. If the rape is <u>not</u> reported within one year - 3 years. If the rape is <u>not</u> reported within one year, and victim is under 14 it may be prosecuted up to 3 years after the victim's 18th birthday or up to 7 years after the offense, whichever is later.
			<ul style="list-style-type: none"> Different for children under 14. For 1st and 2nd Degree Rape.

¹ Some offenses within RCW 9.94A.030(46) were omitted from this table. The omitted offenses do not trigger statutes of limitations.

² Descriptions have been abbreviated due to space limitation. There may be other applicable circumstances or definitions within the offenses. Such as a general exception to those who are under the age of consent but married to the perpetrator.

3rd Degree Rape • Sex with another that does not constitute 1 st or 2 nd degree rape.	9A.44.060	C	3 years	
1st Degree Rape of a Child • Sex with another who is less than 12, perpetrator is at least 24 months older.	9A.44.073	A	3 years after the victim's 18th birthday or 7 years after the offense, whichever is later.	
2nd Degree Rape of a Child • Sex with another who is at least 12 but less than 14, perpetrator is at least 36 months older.	9A.44.076	A	3 years after the victim's 18th birthday or 7 years after the offense, whichever is later.	
3rd Degree Rape of a Child • Sex with another who is at least 14 but less than 16, perpetrator is at least 48 months older.	9A.44.079	C	3 years.	

1st Degree Child Molestation • Has or knowingly caused person under 18 to have sexual contact with another who is less than 12, and perp is at least 36 months older.	9A.44.083	A	3 years after the victim's 18th birthday or 7 years after the offense, whichever is later.	
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2nd Degree Child Molestation <ul style="list-style-type: none"> Has or knowingly caused person under 18 to have sexual contact with another who is at least 12 but less than 14, and perp is at least 36 months older. 	9A.44.086	B	3 years after the victim's 18th birthday or 7 years after the offense, whichever is later.	
3rd Degree Child Molestation <ul style="list-style-type: none"> Has or knowingly caused person under 18 to have sexual contact with another who is at least 14 but less than 16, and perp is at least 48 months older. 	9A.44.089	C	3 years.	
1st Degree Sexual Misconduct with a Minor <ul style="list-style-type: none"> Has, or knowingly causes another person under 18 to have, sexual intercourse with another person who is at least 16 but less than 18 if the perpetrator is at least 60 months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in 	9A.44.093	C	3 years.	

or cause another person under the age of 18 to engage in sexual intercourse with the victim;				
Indecent Liberties - By forcible compulsion	9A.44.100(1)(a)	A	3 years.	
Indecent Liberties - When victim is incapable of consent	9A.44.100(1)(b)	B	3 years after the victim's 18th birthday or 7 years after the offense, whichever is later.	
Indecent Liberties - When the victim is a person with a developmental disability	9A.44.100(1)(c)	B	3 years.	
Indecent Liberties - When the perpetrator is a health care provider, the victim is a client or patient, and the sexual contact occurs during a treatment session.	9A.44.100(1)(d)	B	3 years.	
Indecent Liberties - When the victim is a resident of a facility and has supervisory authority over the victim;	9A.44.100(1)(e)	B	3 years.	
Indecent Liberties - When the victim is a frail elder or vulnerable adult	9a.44.100(1)(f)(i) and (ii)	B	3 years.	
Sexually violating human remains	9A.44.105	C	3 years.	

Voyeurism	9A.44.115	C	3 years unless, the person who was viewed, photographed, or filmed did not realize at the time that he or she was being viewed, photographed, or filmed, the prosecution must be commenced within 2 years of the time the person who was viewed or in the photograph or film first learns that he or she was viewed, photographed, or filmed.	
1st Degree Custodial Sexual Misconduct <ul style="list-style-type: none"> Has, or knowingly causes another under 18 to have, sexual intercourse with another person who is at least 16 but less than 18, if the perpetrator is at least 60 months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of 18 to engage in sexual intercourse with the victim; The person is a school employee who has, or knowingly causes another person under the age of 18 to have, sexual intercourse with a registered student of the school who is at least 16 years old and not married to the employee, if the 	9A.44.160	C	3 years.	

<p>employee is at least 60 months older than the student; or</p> <ul style="list-style-type: none"> The person is a foster parent who has, or knowingly causes another person under 18 to have, sexual intercourse with his or her foster child who is at least 16. 				
Criminal Trespass Against Children	9A.44.196	C	3 years.	
<p>RCW 9A.44.030(1)(b) & 9A.44.030(1)(c) are violations of RCW 9A.64.020</p>				
<p>1st Degree Incest</p> <ul style="list-style-type: none"> Engages in sexual intercourse with a person related to him or her, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of whole or half blood. 	9A.64.020(1)(a)	B	3 years after the victim's 18th birthday or 7 years after the offense, whichever is later.	
<p>2nd Degree Incest</p> <ul style="list-style-type: none"> Engages in sexual contact with a person related to him or her, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of whole or half blood. 	9A.64.020(2)(a)	C	3 years after the victim's 18th birthday or 7 years after the offense, whichever is later.	

<p>RCW 9.94A.030(4b)(a)(i) A felony that is a violation of chapter 9.68A, RCW other than RCW 9.68A.080.</p>				
<p>Sexual exploitation of a minor</p> <ul style="list-style-type: none"> • (a) Compels a minor by threat or force to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance; • Aids, invites, employs, authorizes, or causes a minor to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance; • (c) Being a parent, legal guardian, or person having custody or control of a minor, permits the minor to engage in sexually explicit conduct, knowing that the conduct will be photographed or part of a live performance. 	9.68A.040	B	3 years.	

Dealing in depictions of minor engaged in sexually explicit conduct - knowingly develops, duplicates etc.	9.68A.050(1)	C	3 years.	
Dealing in depictions of minor engaged in sexually explicit conduct - possesses with intent to develop, duplicates etc.	9.68A.050(2)	C	3 years.	
Sending, bringing into state depictions of minor engaged in sexually explicit conduct	9.68A.060	C	3 years.	

Communicating with a minor for immoral purposes - with previous felony sexual offense	9.68A.090(2)	C	3 years.	
Commercial sex abuse of a minor	9.68A.100	C	3 years.	
Promoting commercial sex abuse of a minor	9.68A.101	B	3 years.	
Promoting travel for commercial sex abuse of a minor	9.68A.102	C	3 years.	
RCW 9A.04.030(4)(b)(iv) A felony offense under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy	Attempt, Solicitation, Conspiracy of any Class A or B felony	Any felony	3 Years. Washington does not have a special statute of limitation provisions for attempt, solicitation, or conspiracy of sex offenses (see series do). However, under 9A.04.030(3) attempt, solicitation, or conspiracy of any Class A or B felony may be tolled for identity established by DNA.	
RCW 9A.46.030(4)(c) A felony with a finding of sexual motivation under RCW 9A.46.035 or 13.40.135			Statute of limitations will be tolled on the underlying felony charged. Sexual motivation is an additional finding the jury makes and does not affect the statute of limitation.	